Constitution of Central Inspection System to integrate the independent inspection system of the Labour Commissionerate, DISH, MLWB & MPCB

GOVERNEMENT OF MAHARSHTRA
INDUSTRIES, ENERGY AND LABOUR DEPARTMENT
Government Resolution No. MISC 2017/CR 83/Labour 9
Mantralaya, Mumbai 400 032.
Dated 29th August, 2017

Introduction:

The Department of Industrial Policy and Promotion (DIPP) of Government of India, as a part of Business Reforms Action Plan (BRAP) from 2015-16 has suggested inspection reforms primarily based on the principles of transparency, streamline risk based regulation and automation i.e. uploading procedures, mandating time lines, risk rating of business automating process etc.

As a part of the Business Reforms Action Plan for 2017-18, The Department of Industrial Policy and Promotion has proposed every State to develop and implement a Central Inspection System (CIS) (integrated risk based shared inspection system) covering multiple implementing agencies and compliance behaviour of specific business. A good regulatory practices for business inspection requires coordination of various inspection agencies to ensure that all relevant risks are properly address during inspection process.

The State Government has also adopted the Ease of Doing Business practices in accordance to its Make in Maharashtra campaign. The Labour Department has adopted and implemented various business reforms suggested by the DIPP as per the Business Reforms Action Plan.

Various wings of Labour Department and Maharashtra Pollution Control Board were independently carrying out inspection of business and compliance thereof. Integration of these systems is necessary. Therefore, it was under the consideration of the State Government to develop a Central Inspection System (CIS) for all the Labour Legislation enforcing wings of the Labour Department namely Commissioner of Labour, Director of Industrial Safety and Health (DISH), Commissioner, Maharashtra Labour Welfare Board (MLWB) and the Inspection System of The Maharashtra Pollution Control Board (MPCB).

Government Resolution –

The State Government has resolved to form a Central Inspection System (CIS) which shall integrate the independent inspection system of various departments. The CIS will synchronise multiple inspection and all inspection scheduled will be checked in through the system.

The Key elements of Central Inspection System (CIS).

1. Synchronise multiple inspections and all inspections will be directed through CIS.
2. Online inspection schedule to be generated through the CIS system for scheduling of inspections.
3. The selection of establishments for inspection is done using computerised risk assessment and allocation of inspectors.
4. Allow third party certification instead of Departmental Inspection under all the Labour and Environment / Pollution Control Laws for low and medium risk industry.

5. Inspector scheduling on rotational basis i.e. mandate that same inspector cannot perform two consecutive inspections of the same business.
6. The final report to be uploaded on CIS system (Public domain) within 48 hours after the inspection.
7. The Visit Report compliance evaluation will be done by the concerned department at the appropriate authority level depending upon the Industry type.
8. The concerned department's field staff will visit the Industry jointly whenever the CIS system generates joint visit else otherwise the concerned field staff will visit the industry, independently, on a specified date.

State Level Planning Committee (SLPC):

The policy matters with reference to the Central Inspection System will be decided by the State Level Planning Committee. The Committee shall develop module for online inspection system, randomised online selection of establishments and third party certification through Central Inspection System. The State Level Planning Committee shall be a State Level Body mainly to implement advice, regulate and monitor the functioning of the CIS.

The constitution of State Level Planning Committee shall be as follows,

Officer	Designation
Principal Secretary (Labour)	Chairman
Member Secretary, Maharashtra Pollution Control Board	Member
Commissioner of Labour	Member
Director, of Industrial Safety and Health,	Member
Commissioner of Labour Welfare Fund	Member
Deputy Secretary (Labour)	Member Secretary

State Level Planning Committee will look after the broad policy and procedure of the CIS The function of State Level Planning Committee will be as follows,

1. Design and develop online inspection system for scheduling of inspections.
2. The system shall further assign inspections automatically and shall allow online filing of inspections reports and generation of reports, if needed. It shall also support mobile and email alerts. Avoid multiplicity of inspections and inspectors.
3. Allow third party certification instead of Departmental Inspection under all the Labour and Environment / Pollution Control Laws for low and medium risk industry.
4. Develop an IT framework to allow complete data sharing between all participating department, inspections reports generation and management, mobile / e-mail access, automated scheduling of inspection and work schedules of inspectors.
5. To ensure that the Central Inspection process optimises the resources allotted.
6. Undertake training and development programme for various departments regarding Central Inspection System.
7. To formulate forms for MIS and to improve the procedure of inspection so as to make it more effective.
8. Decide annual plan for inspection by various concerned departments.
9. Review the functioning of the CI system and the performance of each office integrated in the CIS.

10. To build capacity of the inspector and inspectorate by introducing training to enhance skill. To introduce cross training of the inspector for different inspection to optimise use of resources.

Joint Monitoring Committee (JMC):

. The actual functioning of the Central Inspection System shall be carried out by a Joint Monitoring Committee consist of the Head of the Office of the offices integrated in the Central Inspection System.

The constitution of Joint Monitoring Committee shall be as follows,

Officer	**Designation**
Member Secretary, Maharashtra Pollution Control Board	Chairman
Commissioner of Labour	Member
Director, of Industrial Safety and Health,	Member
Commissioner of Labour Welfare Fund	Member
Assistant Secretary(Technical), Maharashtra Pollution Control Board	Member Secretary

The function of Joint Monitoring Committee will be as follows,

1. To oversee the proper functioning of CIS module.
2. To supervise that the allotted establishment is properly inspected and inspection remarks are uploaded in 48 hours and give necessary instructions to concerned department
3. To prioritise and determine the frequency of visits for each establishment.
4. To develop comprehensive checklist and formats for inspections and update the same.
5. To conduct review meeting after every two months to evaluate the performance of each inspector.
6. To develop tool kit with the relevant process, standard operating procedures, forms, check list and guidelines for communication between the Central and Field Officers.
7. To develop training module for the inspectors and to conduct regular training.

<u>Risk Based Inspection Procedure for various departments:–</u>

Risk Based Inspection tool, where resources are focused on those enterprises carry a higher risk to the public is developed by the respective department. This risk based inspection tool shall form the basis to prioritize and determine the frequency of visit of each industrial establishments which shall form part of the annual inspection plans and detail visit schedule. The risk based schedule of the offices integrated in the CIS is as follows.

a. <u>Maharashtra Pollution Control Board</u>:

1. Repetition of the same Industry / site not to occur in the same month
2. Assign 20 Industries to each Field Officer (FO) per month
3. Assignment of Industries to FO's would be alternate working days.
4. Priorities of industries would be as follows:

Duration	TYPE
Monthly	17 Category, Common treatment facilities for Hazardous Waste (CHWTSDF), Biomedical wastes(CBMWTSDF), and Common Effluent treatment plant(CETP), Red (LSI)
Three Months	Red (MSI), Orange (LSI),HCE > 200
Half Yearly	Red (SSI),Orange (MSI), HCE(100-200)
yearly	Orange (SSI), Hotels (5 star & above)

- 'Randomized Risk base inspection and sampling' procedure through software base tool having some serious issue like complaint, LAQ matter, verification call from Consent Appraisal Committee / Consent Committee cell or Sub-Regional Officer or Regional Officer may assign any particular visit with valid reason

b. <u>Labour Commissionerate</u> :

The risk based inspection of the Labour Commissionerat is as follows.

Sr. No.	No. of employees	Category	% of establishment to be visited
1.	above 501	A	10 %
2.	above 301 but below 500	B	20 %
3.	above 101 but below 300	C	30 %
4.	above 10 but below 100	D	40 %

- At present 10 numbers of establishments per inspector per month shall be allotted.

c. <u>Maharashtra Labour Welfare Board (MLWB)</u> :

Full Time inspectors: Total 100 visits per month (90 new registration & 10 old registration units)
Additional Inspectors: Total 25 visits (25 new registration units)

d. **<u>Directorate of Industrial Safety and Health (DISH) :</u>**

10 visits for Dy. Director & 15 visits for Assistant Director per month.

Category of Factory	**Frequency of Inspection**	**Remarks**
MAH Units	Once in a year	Mandatory
Hazardous factories under 2(c)(b) & Chemical factories	Once in a year	Mandatory
OTHERS FACTORIES (Having workers upto 20 and more than 20 workers)	Once in a five year	20% of the total other factories would be randomly selected once in a year

- However, every office integrated in the CIS shall carry out surprise inspections based on complaint with specific permission from their respective head of the office.

Nodal Officers –

Every office integrated in the Central Inspection System will nominate a Nodal Officer at its Head Office. The Nodal Officer shall be responsible for intra-department co-ordination for the implementation of the CIS. He will apprise the field level software, hardware and operational issues to the Supervisory Committee and the State Level Planning Committee. He will also ensure the submission of monthly reports as may be prescribed by the State Level Planning Committee and the Joint Monitoring Committee, are submitted in time. He will coordinate training of the field officers and review their progress and submit it to the head of the office.

Inspection Process – Schedule and Allocation of Inspectors:

The Schedule of Inspection shall be formulated through an online system monitored by State Level Planning Committee and Joint Monitoring Committee.

The visit shall be conducted by the respective inspectors with the help of a tool kit with shall have the relevant processes, standard operating procedures, forms and checklists, and guidelines for communications between the central and field officer. The processes will also cover behavioural aspects, as well as the procedural or technical aspects of an inspection, which can also be governed by a Statue or Regulation. It shall be ensured that the final reports are furnished within 48 hours of inspection. The online format for allocation of inspectors and compliance for joint inspection shall be developed by the system. This shall be generated on random basis through a computerised system keeping their jurisdiction as the base parameter. The report of inspection will be submitted in a combined inspection form in a format as prescribed by SLPC.

The format shall clearly identify the proper procedure and sanctions for each type of violation, taking into consideration the intensity and recurrence of a violation. The common inspection framework shall address the inspection requirement as under various laws as mentioned in **Annexure I**. In, addition the list of inspectors with their jurisdiction will be displayed online.

Third Party Certification:

All the offices involved in the CIS shall encourage “Third Party Certification” for effective implementation and compliance of the respective legislation enforced by the respective office. The Third Party Inspection shall be allowed for low and medium risk units, based on their past records. The certifiers / assessor / agencies needs to be accredited by a reputed accreditation body attesting their technical capacity for each particular type of assessment separately and approved by the respective office. The Third Party Certifiers shall be liable for assessment and compliance.

Introduce Self Certification Scheme-

Each office, integrated in CIS shall introduce Self Certification Scheme for low and medium risk units

This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 201708291252208710. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

Ravindra T Jadhav

Digitally signed by Ravindra T Jadhav
DN: c=IN, o=Government Of Maharashtra, ou=Industries Energy and Labour Dept, postalCode=400032, st=Maharashtra, 2.5.4.20=603978b5660f0eca32742a306629627cab3d44b5023a7b6ae5f7a2ad9b25432f, cn=Ravindra T Jadhav
Date: 2017.08.29 12:41:33 +05'30'

(R. T. Jadhav)
Under Secretary
Industry, Energy and Labour Department
Mumbai.

To,

1. Principal Secretary to Hon. Governor, Maharashtra State
2. Principal Secretary to Hon. Chief Minister, Maharashtra State
3. Private Secretary to Hon. Minister (Labour)
4. Private Secretary to Hon. Minister (Environment)
5. Private Secretary to Hon. State Minister (Labour)
6. Private Secretary to Hon. Leader of Opposition, Maharashtra Legislative Assembly, Vidhan Bhavan, Mumbai
7. Private Secretary to Hon. Leader of Opposition, Maharashtra Legislative Council, Vidhan Bhavan, Mumbai
8. Hon. Chief Secretary of Maharashtra
9. Additional Chief Secretary (Industries), Industry, Energy and Labour Department, Mantralaya
10. Additional Chief Secretary, Environment Department, Mantralaya
11. Principal Secretary (Labour), Industry, Energy and Labour Department, Mantralaya
12. All Additional Chief Secretary/Principal Secretary/Secretary to the Government of Maharashtra
13. Labour Commissioner, Maharashtra State, Mumbai
14. Member Secretary, Maharashtra Pollution Control Board, Mumbai
15. Director, Directorate of Industrial Safety and Health, Maharashtra State Mumbai
16. Commissioner, Maharashtra Labour Welfare Board, Mumbai
17. All officers of Industries, Energy and Labour Department, Mantralaya.
18. Select file.

ANNEXURE I

LIST OF APPLICABLE LAWS/ACTS APPLICABLE UNDER THE CENTRAL INSPECTION FRAMEWORK

Labour Commissinerate –

1. Equal Remuneration Act, 1976
2. The Maternity Benefit Act, 1961 and Rules 1966
3. The Minimum Wages Act, 1948 and Rules 1954
4. The Payment of Wages Act, 1936 and Rules 1936
5. The Building and Other Construction Workers Welfare Cess Act 1996 and Rule 1998
6. Payment of Bonus Act, 1965 and Rules 1975
7. Payment of Gratuity Act, 1972 and the Rules 1974
8. The Contract Labour [Regulation & Abolition] Act, 1970 and Rules 1975
9. Inter State Migrant Workmen [Regulation of Employment and Conditions of Service] Act, 1979 and Rules, 1980
10. The Child Labour (Prohibition & Regulation) Act, 1986 and the Rules 1994
11. The Motor Transport Act, 1961 and the Rules 1966
12. The Building and Other Construction Workers (Regulation of Employment Condition of Service) Act, 1996 (Central Act) and Rule 2002
13. The Beedi & cigar Workers (conditions of Employment) Act, 1966 and the Rules 1969
14. The Working Journalists (Conditions of Service) and Miscellaneous Provision Act, 1955
15. The Sales Promotion Employees (Conditions of Service) Act and Rules 1976

Directorate of Industries Health and Safety-

1. The Factories Act, 1948

Maharashtra State Pollution Control Board-

1. Water (Prevention and Control of Pollution), Act 1974
2. Air (Prevention and Control of Pollution), Act 1981

Commissioner of Maharashtra Labour Welfare Board-

1. Maharashtra Labour Welfare Act, 1953